

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT**  
**FOR THE PLANNING COMMITTEE**  
**TO BE HELD ON 19 OCTOBER, 2022**

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			4.	Comments from Councillor Ian Perry
			5.	Neighbour comments from Charlotte Halsey
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# MATTERS ARISING FOR COMMITTEE

1.

COMMITTEE DATE: 19 October 2022

<b>Application No.:</b> 2019/00871/OUT	<b>Case Officer:</b> Mr. Ceiri Rowlands
<b>Location:</b> Land at Model Farm, Port Road, Rhoose	
<b>Proposal:</b> Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.	

## Comments from: Cllr S Campbell

Cllr Campbell has previously commented on this application as a member of the public and so these did not appear in the 'Consultations' section of the Officer's Report. The comments below have been made in her capacity as a Rhoose Ward Councillor:

*"Legal and Generals proposed development of Model Farm should not be granted permission. As the local Councillor, I know how much residents are opposed to this. As a local resident, I am heavily opposed to this also.*

*Rhoose is a village, and with most villages, we have very limited road infrastructure. In fact, there is only one road either side of the village. We have seen on many occasions due to road works, RTC's etc. that we are cut off from our nearest town, Barry. Weycock Cross, even after sustaining vast improvements in recent year, struggles daily with the volume of traffic that travels from the rural Vale into Barry and beyond. The proposal from L&G gives a heavy emphasis on personal vehicle travel, and constantly through all the media associated with this proposed development, public transport is identified as being able to sustain a significant influx of new travellers which is not the case. We have a substandard public transport network in Rhoose. Our buses are extremely unreliable and only service a third of the village. We have been promised over and over more frequent trains, but this has been pushed back again by Transport for Wales. Without an adequate public transport network, it is inevitable that more cars will be on the road; creating more traffic. Also, further vehicles on the road will erode the road surface quicker leading to increased public service costs by residents across the entire Vale.*

*Green initiatives are an ever developing area. The Vale of Glamorgan Council declared a climate emergency in 2019 and a nature emergency in 2021, and this development will actively increase the needs for these emergencies through the abolition of 100acres of greenspace that local wildlife call home. 100acres of green space is a significant area. Significant enough to not only change the lineage of the Jenkins family, but also the lives of thousands of Vale residents. The Well Being of Future Generations (Wales) Act 2015 requires the Vale of Glamorgan Council to think about the long term decisions; specifically focusing on the impact to future generations and how to tackle persistent problems such as climate change, however this seems to have been overlooked in the decision making*

*process. We should be conserving green space areas, not granting planning to destroy them. This direct conflicts with our climate emergency pledges.*

*We have many brownfield sites across the Vale such as Bro Tathan and Llandow. Bro Tathan is sitting unoccupied and is currently for sale. This shows that if this industrial park was built it would not be occupied. It would be a massive expensive derelict smudge on the beautiful Vale landscape. At no point in this process has any business come forward and expressed an interest in being on this industrial park, so who will be the tenants? It has been shown time after time that there is no need for this development.*

*Over the past two years, we have seen a significant rise in the cost of materials and labour, and increased lead times of products. As these plans were submitted almost 3 years, I fully believe that an up-to-date costings must be produced by Legal and General to show how much the development would cost now, and the timescale for building. In the Development Viability Appraisal, it is forecasted over £6million loss in the first 8 years of this development. Given we are now in a cost of living crisis, as well as unprecedented financial times, can we afford to throw away £6million when we have residents who can't afford to put the heating on, or have a hot meal? Legal and General must provide a current financial forecasting for this development if they wish it to even be considered. Not doing so would show their lack of forethought and preparedness in their business endeavours.*

*It's spoken of in a lot of the documentation surrounding this development that it will be indirectly responsible for thousands of jobs. However, I suspect the majority of these jobs will not go to local residents. The businesses this development is hoping to attract are highly skilled specialised workers, which will already be employed by these companies. Therefore, this is just a job relocation not creation. With this influx of new workers, the Vale housing crisis will surely increase, leading to more financial outlay by the Vale of Glamorgan Council and the potential of more greenspace building to keep up with demand.*

*This development should not just been seen a Rhoose issue. This will negatively affect everyone in the Vale on a daily basis.*

*I love the vastly green countryside that encapsulates our wonderful village. The fantastic wildlife and the beautiful fauna and flora. To grant permission for Model Farm to be concreted over would destroy that, not just for me and other residents, but for our children and their children. I want my daughter to grow up appreciating nature, not watching it be decimated."*

### **Comments from Cllr W Hennessy:**

Cllr Hennessy has previously commented on this application as a member of the public and so these did not appear in the 'Consultations' section of the Officer's Report. The comments below have been recently made in his capacity as a Rhoose Ward Councillor:

*"I would like to put forward my objection to the proposed development of model Farm on the grounds that*

- 1. It has been stated it is not financially viable proposal*
- 2. It is situated in the wrong place*
- 3. it will taking away good farming land*
- 4. It is going to destroy wildlife habitation*
- 5. It will destroy 2 viable local businesses*
- 6. This all goes against all Welsh government policy.*

*These are some reasons why I personally believe this development should not go ahead at model Farm.”*

### **Comments from Cllr I Perry:**

Cllr Perry has previously commented on this application as a member of the public and so these did not appear in the ‘Consultations’ section of the Officer’s Report. The additional comments below have been recently made in his capacity as a St Nicholas and Llancafán Ward Councillor:

*“I have a couple of concerns with the Final Report in relation to: Land at Model Farm, Port Road, Rhoose*

*The report states:*

*“...land in locations such as Barry docklands, Llandow, and those further afield are unlikely to be suitable for businesses in the aviation industry or those reliant on international connectivity, for example. It is employment opportunities arising from these sorts of sectors which the designation of the Enterprise Zone seeks to exploit.”*

*This statement seems subjective – to be an opinion. Aerospace companies are operating successfully away from airports in Wales. For example:*

- *GE Aviation Wales (jet engines) – Nantgarw*
- *Nordam Europe – Blackwood*
- *Aerfin – Caerphilly*
- *STG Aerospace – Cwmbran*
- *British Airways Avionics Engineering – Pontyclun*
- *Safran Seats – Cwmbran*
- *Aermach – Newport*
- *BAE Systems – Usk*
- *Drone Tech Aerospace – Ffordd Pengam, Cardiff*

*Opinions must be clearly identified as opinion, and the source of opinions must be made clear in a Final Report on planning matters. As written, the statement does not appear to be supported by facts – and companies compete successfully internationally, without need of an airport adjacent to offices or warehouse to provide connectivity.*

*A further claim in the report is questionable:*

*“The proposed development therefore brings with it the potential for creation of high quality jobs, such that are in demand in the locality.”*

*Do we have an excess of people with the skills sought by the aviation industry living in the Vale of Glamorgan?*

*A 2015 report for the Vale Council by the BE Group talked about the gradual relocation of aerospace businesses to the Vale of Glamorgan. Can you confirm that the intention isn’t to stimulate new businesses, but to relocate existing businesses? The report states, “its high profile position on the M4 and large sites mean that it would still be attractive to potential users.” The report mentions accessibility for workers from other parts of South Wales (Rhondda Cynon Taff specifically). The site is some distance from the M4, and linked via the A4232 and Culverhouse Cross. Is there sufficient spare capacity on these roads and the A470?*

*Are you able to clarify/correct these matters ahead of the meeting of the Planning Committee?"*

**Officer Response:**

The concerns raised above are similar in nature to concerns that have been raised by others during the application process, as is reflected in the Representations section of the Officers Report (page 51 of the Agenda Planning Report). The specific areas of concern have been summarised below and are discussed in the Officers Report, with the agenda page number bracketed.

- Traffic (p.74-76)
- Transportation (p.97-100)
- Climate change (p.72)
- Nature (Ecology & Biodiversity) (p.87-90, 96-97)
- Need / Location (p.68-70)
- Loss of agricultural land/ impact on tenant farmer (p.71-72)
- Viability (p.94-96)
- Economy (p.73)
- Planning Policy (p.64-68)

In relation to the queries from Cllr Perry, the national and local planning policy context is discussed at p.64-70, with additional discussion on economic impact on p.73.

The Officer's report details that the site is part of an Enterprise Zone strategically located near Cardiff Airport, which offers the opportunity of bringing investment for growth of the aerospace industry both locally and to the wider region. It is not possible to know the precise make up of end users, however this might include both new business and the re-location of businesses who wish to make beneficial use of the location close to Cardiff Airport, as well as the benefit of clustering with other business in the industry, and with the support of industry related educational facilities.

There is no known data specifically relating to existing residents of the Vale employed in the aerospace industry, however development on the proposed scale would be expected to deliver both specialist and non-specialist roles. Proposed Condition 35 relates to a labour recruitment strategy (for the construction phase), which aims to promote local recruitment, as well as a training and development scheme for future employees (Condition 36). The development of educational facilities nearby is also intended to support the growth of these industries in the long term, and provide employment opportunities to both the existing and future workforce of the Vale of Glamorgan.

**Action required:** No further action, Members to note.

Legal and General's proposed development of Model Farm should not be granted permission.

As the local Councillor, I know how much residents are opposed to this. As a local resident, I am heavily opposed to this also.

Rhose is a village, and with most villages, we have very limited road infrastructure. In fact, there is only one road either side of the village. We have seen on many occasions due to road works, RTC's etc that we are cut off from our nearest town, Barry. Weycock Cross, even after sustaining vast improvements in recent year, struggles daily with the volume of traffic that travels from the rural Vale into Barry and beyond. The proposal from L&G gives a heavy emphasis on personal vehicle travel, and constantly through all the media associated with this proposed development, public transport is identified as being able to sustain a significant influx of new travellers which is not the case. We have a substandard public transport network in Rhose. Our buses are extremely unreliable and only service a third of the village. We have been promised over and over more frequent trains, but this has been pushed back again by Transport for Wales. Without an adequate public transport network, it is inevitable that more cars will be on the road; creating more traffic. Also, further vehicles on the road will erode the road surface quicker leading to increased public service costs by residents across the entire Vale.

Green initiatives are an ever developing area. The Vale of Glamorgan Council declared a climate emergency in 2019 and a nature emergency in 2021, and this development will actively increase the needs for these emergencies through the abolition of 100 acres of greenspace that local wildlife call home. 100 acres of green space is a significant area. Significant enough to not only change the lineage of the Jenkins family, but also the lives of thousands of Vale residents. The Well Being of Future Generations (Wales) Act 2015 requires the Vale of Glamorgan Council to think about the long term decisions; specifically focusing on the impact to future generations and how to tackle persistent problems such as climate change, however this seems to have been overlooked in the decision making process. We should be conserving green space areas, not granting planning to destroy them. This directly conflicts with our climate emergency pledges.

We have many brownfield sites across the Vale such as Bro Tathan and Llandow. Bro Tathan is sitting unoccupied and is currently for sale. This shows that if this industrial park was built it would not be occupied. It would be a massive expensive derelict smudge on the beautiful Vale landscape. At no point in this process has any business come forward and expressed an interest in being on this industrial park, so who will be the tenants? It has been shown time after time that there is no need for this development.

Over the past two years, we have seen a significant rise in the cost of materials and labour, and increased lead times of products. As these plans were submitted almost 3 years, I fully believe that an up-to-date costings must be produced by Legal and General to show how much the development would cost now, and the timescale for building. In the Development Viability Appraisal, it is forecasted over £6million loss in the first 8 years of this development. Given we are now in a cost of living crisis, as well as unprecedented financial times, can we afford to throw away £6million when we have residents who can't afford to put the heating on, or have a hot meal? Legal and General must provide a current financial forecasting for this development if they wish it to even be considered. Not doing so would show their lack of forethought and preparedness in their business endeavours.

It's spoken of in a lot of the documentation surrounding this development that it will be indirectly responsible for thousands of jobs. However, I suspect the majority of these jobs will not go to local

residents. The businesses this development is hoping to attract are highly skilled specialised workers, which will already be employed by these companies. Therefore, this is just a job relocation not creation. With this influx of new workers, the Vale housing crisis will surely increase, leading to more financial outlay by the Vale of Glamorgan Council and the potential of more greenspace building to keep up with demand.

This development should not just been seen a Rhoose issue. This will negatively affect everyone in the Vale on a daily basis.

I love the vastly green countryside that encapsulates our wonderful village. The fantastic wildlife and the beautiful fauna and flora. To grant permission for Model Farm to be concreted over would destroy that, not just for me and other residents, but for our children and their children. I want my daughter to grow up appreciating nature, not watching it be decimated.

**From:** Hennessy, William (Cllr)  
**Sent:** 17 October 2022 06:58  
**To:** Rowlands, Ceiri  
**Subject:** My objection model Farm development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Cllr William Hennessy

I would like to put forward my objection to the proposed development of model Farm on the grounds that

1. It has been stated it is not financially viable proposal
2. It is situated in the wrong place
3. it will taking away good farming land
4. It is going to destroy wildlife habitation
5. It will destroy 2 viable local businesses
6. This all goes against all Welsh government policy.

These are some reasons why I personally believe this development should not go ahead at model Farm.

Cllr William Hennessy



**From:** Perry, Ian AN (CIlr)  
**Sent:** 17 October 2022 15:04  
**To:** Robinson, Ian  
**Cc:** Planning  
**Subject:** Land at Model Farm, Port Road, Rhoose

I have a couple of concerns with the Final Report in relation to: Land at Model Farm, Port Road, Rhoose

The report states:

“...land in locations such as Barry docklands, Llandow, and those further afield are unlikely to be suitable for businesses in the aviation industry or those reliant on international connectivity, for example. It is employment opportunities arising from these sorts of sectors which the designation of the Enterprise Zone seeks to exploit.”

This statement seems subjective – to be an opinion. Aerospace companies are operating successfully away from airports in Wales. For example:

- GE Aviation Wales (jet engines) – Nantgarw
- Nordam Europe – Blackwood
- Aerfin – Caerphilly
- STG Aerospace – Cwmbran
- British Airways Avionics Engineering – Pontyclun
- Safran Seats – Cwmbran
- Aermach – Newport
- BAE Systems – Usk
- Drone Tech Aerospace – Ffordd Pengam, Cardiff

Opinions must be clearly identified as opinion, and the source of opinions must be made clear in a Final Report on planning matters. As written, the statement does not appear to be supported by facts – and companies compete successfully internationally, without need of an airport adjacent to offices or warehouse to provide connectivity.

A further claim in the report is questionable:

“The proposed development therefore brings with it the potential for creation of high quality jobs, such that are in demand in the locality.”

Do we have an excess of people with the skills sought by the aviation industry living in the Vale of Glamorgan?

A 2015 report for the Vale Council by the BE Group talked about the gradual relocation of aerospace businesses to the Vale of Glamorgan. Can you confirm that the intention isn't to stimulate new businesses, but to relocate existing businesses? The report states, “its high profile position on the M4 and large sites mean that it would still be attractive to potential users.” The report mentions accessibility for workers from other parts of South Wales (Rhondda Cynon Taff

specifically). The site is some distance from the M4, and linked via the A4232 and Culverhouse Cross. Is there sufficient spare capacity on these roads and the A470?

Are you able to clarify/correct these matters ahead of the meeting of the Planning Committee?

Best regards,

**Ian**

Ian Perry  
Councillor  
Elected Member  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
mob / sym: [REDACTED]  
e-mail / e-bost: [REDACTED]

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Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)  
[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

## MATTERS ARISING FOR COMMITTEE

**COMMITTEE DATE: 19 October 2022**

<b>Application No.:</b> 2019/00871/OUT	<b>Case Officer:</b> Mr. Ceiri Rowlands
<p><b>Location:</b> Land at Model Farm, Port Road, Rhoose</p> <p><b>Proposal:</b> Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.</p>	

**From:**

1. D Williams, 103 Railway Road, Rhoose
2. Vale Communities Unite – email to Councillors.

**Summary of Comments:**

1. Repeated submission of objection letter, principally relating to viability, lack of infrastructure, and the loss of a working farm.
2. The email (attached) principally made comments relating to the previous application for Judicial Review, disclosure of viability reports, site viability, recency of ecology and traffic surveys, and foul drainage, and agricultural land.

**Officer Response:**

The matters already included within Representations section of the Officers Report (page 51 of the Agenda Planning Report), with the agenda page number bracketed below:

- Traffic (p.74-76)
- Transportation (p.97-100)
- Climate change (p.72)
- Nature (Ecology & Biodiversity) (p.87-90, 96-97)
- Need / Location (p.68-70)
- Loss of agricultural land/ impact on tenant farmer (p.71-72)
- Viability (p.94-96)
- Economy (p.73)
- Planning Policy (p.64-68)

The principal matters raised related to viability, and this is discussed in detail on p.94-96 of the Agenda Planning Report, including reference to site visibility, the sums involved, and the impact that interest payments and finance costs would have on viability. Officers have concluded that the current lack of site viability is not a justifiable reason to refuse planning permission in this instance.

The inclusion of the site in an Enterprise Zone and the aspirations to develop Cardiff Airport and its surroundings as a strategic gateway (Future Wales refers), to promote growth, inward investment, boost the economy, and provide skilled employment opportunities locally are material planning considerations in its favour. It is a strategic site in the LDP, as outlined previously in the Officer's Report.

The site also provides the essential infrastructure considered necessary to make it acceptable as outlined on p.96-101, these include the provision of 42.ha land to extend Porthkerry Country Park and a financial contribution of £500,000 toward it, £31,500 for ecology mitigation, provision of land to provide a active travel route between Weycock Cross and Cardiff Airport (subject to delivery by others), safeguarding of land for a rapid transport link (subject to delivery by others), upgrading and provision of bus stops, as well as planning conditions relating to labour recruitment (Condition 35), training and development (Condition 36), and public art (Condition 42).

**Action required:** No further action, Members to note.

103 Railway Road  
Rhoose  
Vale of Glamorgan  
CF62 3FE

5<sup>th</sup> February 2022

Principal Planning Officer  
Planning Department  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU

Dear Sir or Madam

**OBJECTION TO PLANNING APPLICATION 2019/00871/OUT – LAND AT MODEL FARM, PORT ROAD, RHOOSE**

**VIABILITY**

I wish to register an objection to the outline planning application on the grounds that it is not financially viable and would require significant public funds to bridge the viability gap which according to Sutton Consulting and Avison Young respectively is estimated to be between £6,157,073 and £34,508,455.

**Any project with a net present value less than zero should be rejected.**

Welsh Government advice, as well as your own Local Development Plan and Planning Obligations Supplementary Planning Guidance make it clear that that development viability is a material consideration in determining planning applications.

The **OBLIGATION** for section 106 should be the starting point for negotiation, however in this case the development is not viable in the first place without even considering section 106 **OBLIGATIONS**.

**This OBLIGATION totals £3,723,700 calculated as shown in your now quashed planning consent letter.**

That means that the local community would fail to benefit from **£3,723,700** of contribution towards the sustainable transport infrastructure that without, the roads would be gridlocked if this development happens to be built.

Furthermore not included in the viability report figures is the minimum profit that a developer would require, which would increase the loss that would have to be bridged by public funding.

The report assumes a rent free period in the first year, so effectively the only income in that period is from the frontage sales. Where are the rest of the costs of developments coming from? Assuming financing would be required then there should be interest costs included. Avison Young also come to a similar conclusion.

Sutton Consulting assessed the viability in their scenario where they would receive rental income in perpetuity after an initial 1 year rent free period (adjusted to present value) and sell off acres of

frontage and concluded that the project is not viable and there is no scope for Section 106

**OBLIGATIONS.**

Avison Young reviewed the Sutton Consulting report and confirmed their findings, and assessed the viability in the scenario where industrial and office units would be sold in addition to the frontage and concluded that it was even less viable, with no scope for Section 106 **OBLIGATIONS.**

Furthermore both Sutton Consulting and Avison Youngs reports are now outdated, and building material and labour costs have both increased over the past year, further increasing the projected losses.

Avison Young (Page 9, section 4.15) states "Sutton Consulting have provided some evidence of comparable lettings of Industrial / warehouse space in South East Wales, which shows lettings of new build space of up to 15,000 Sq ft at £8.00 psf. These are all at prime Business Park locations with excellent access to the M4. We are of the opinion that units of a similar size at the subject property are unlikely to achieve rentals at this level. We have applied **£7.00 psf** on industrial space, which, again we consider to be optimistic."

**Reduced rental income per square foot would further increase the projected losses and make the development even less viable.**

Avison Young suggest the yield of 6.5% used for industrial units should be £6.75%. **This would erode the investment valuation in Sutton Consulting's report.**

**Adjusting the rental income to £7.00 psf and a yield of 6.75% with other assumptions remaining the same would increase the loss to £10.6m.**

**LACK OF DEMAND**

In the professional opinion of Avison Young in their report of May 2020, page 7, Section 4.3 states "We think it unlikely that this level of demand exists in this location. We are of the opinion that the take up rate proposed is unachievable as evidenced below. Competition from existing business parks and the recently launched Brotathan Development will undoubtedly have a detrimental impact on take up.

**Lack of take up would be further detrimental to the viability of the development in any scenario.** If the units and offices were vacant lack of or reduced rental income would be detrimental and lack of demand in a sales scenario would drive down the sale price if sold at all.

In the Sutton Consulting scenario, Assuming 80% take up of all offices and units at £7.00 psm (£7.50 from Y4) at a yield of 6.75% would increase the loss to £20.98m! At 70% Take up the loss is £26m. Even if the offices are at full occupancy and the industrial units at 75% the loss is £20.6m.

**That is money that would be likely to come from the public purse and does not include a developer's profit.**

In conclusion, the development is not viable, and on that basis is purely speculative and unlikely to come into realisation. I can only surmise that seeking outline planning permission is an underhanded tactic where the land would be sold by Legal & General to a developer with outline planning permission and a vacant farm, who would then seek future planning permission for housing.

**LOSS OF A WORKING FARM**

Furthermore I wish to object to the loss of a working farm, namely Model Farm. The impact of this development would be the total loss of the farm, resulting in the tenant and his family losing their home and employment. This is a material consideration with reference to Technical Advice Note (TAN) 6: planning for sustainable rural communities, paragraph 6.2.6, backed up by case law as Lord Scarman said in Westminster City Council v Great Portland Estates Ltd [1985] AC 661 at 670 'It would be inhuman pedantry to exclude from the control of our environment the human factor'.

**LACK OF INFRASTRUCTURE**

Avison Young's report states "Road access is of paramount importance to most occupiers. The current infrastructure serving Cardiff Airport and the proposed Airport business is unlikely to support development on the scale proposed. Improvements have recently been made to Five Mile Lane (single carriageway) and there are plans for a new trunk road from Bonvilston to J34 of the M4."

Plans for that trunk road are no longer in doubt, they have been scrapped.

One of the major gripes from complainers about Cardiff Airport is the road infrastructure. Any additional volume of traffic would be greatly detrimental to airport passengers, resulting in a greater number of missed flights due to passengers being stuck in the sheer volume of traffic. It already happens, and would happen much more frequently if this business park were built, even if the demand was reduced. Nobody wants to start or end their holiday by being stuck in traffic, the knowledge of the likelihood of it would certainly deter them from using our National Airport and steer them towards Bristol Airport instead.

The land should be kept as a working farm with the current tenant family in situ and solutions should be sought to ensure that, despite a notice to quit being served.

Please register my objections on all three grounds.

Kind regards



Darren Williams ACMA CGMA  
Chartered Global Management Accountant

# Comment for planning application 2019/00871/OUT

<b>Application Number</b>	2019/00871/OUT
<b>Location</b>	Land at Model Farm, Port Road, Rhose
<b>Proposal</b>	Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.
<b>Case Officer</b>	Mr. Ceiri Rowlands
<b>Organisation</b>	
<b>Name</b>	Mr Darren Williams
<b>Address</b>	103 Railway Road, Rhose, Vale of Glamorgan
<b>Type of Comment</b>	Objection
<b>Type</b>	neighbour
<b>Comments</b>	<p>I reference my previous correspondence relating to the financial unviability of this development and correspondence from Sutton Consulting and Avison Young which backs up that the development is financially unviable and will come at a cost to the taxpayer. I find it abhorrent that a large, rich corporation such as Legal and General were previously given and probably still are being given a significant discount to the 3.72m that is a Section 106 PLANNING OBLIGATION. If this application is voted for approval every single penny of that OBLIGATION should be paid. If it makes the development further unviable, and it will, then the application should simply be rejected.</p>
<b>Received Date</b>	16/10/2022 13:18:49
<b>Attachments</b>	The following files have been uploaded: <ul style="list-style-type: none"><li>DW Objection Letter 05022022 (1).pdf</li></ul>



**From:** valecomunita [REDACTED]  
**Sent:** 17 October 2022 11:45  
**To:** Asbrey, Anne (Cllr) <[REDACTED]>; Aviet, Julie (Cllr) <[REDACTED]>; Ball, Gareth M (Cllr) <[REDACTED]>; Bobbett, Angela <[REDACTED]>; Brooks, Bronwen (Cllr) <[REDACTED]>; Buckley, Ian (Cllr) <[REDACTED]>; Burnett, Lis (Cllr) <[REDACTED]>; Campbell, Samantha (Cllr) <[REDACTED]>; Carroll, George D (Cllr) <[REDACTED]>; Charles, Janice (Cllr) <[REDACTED]>; Cilia, Jaci <[REDACTED]>; Collins, Amelia M (Cllr) <[REDACTED]>; Driscoll, Vincent P (Cllr) <[REDACTED]>; Fisher, Robert (Cllr) <[REDACTED]>; Franks, Christopher P (Cllr) <[REDACTED]>; Godfrey, Russell E (Cllr) <[REDACTED]>; Goodjohn, Emma J (Cllr) <[REDACTED]>; Goodjohn, Ewan (Cllr) <[REDACTED]>; Haines, Stephen J (Cllr) <[REDACTED]>; Hamilton, Howard C (Cllr) <[REDACTED]>; Hanks, Sally M (Cllr) <[REDACTED]>; Hennessy, William (Cllr) <[REDACTED]>; Hooper, Mark J (Cllr) <[REDACTED]>; Iannucci, Catherine (Cllr) <[REDACTED]>; John, Gwyn (Cllr) <[REDACTED]>; Lloyd-Selby, Susan C (Cllr) <[REDACTED]>; Loveluck-Edwards, Belinda (Cllr) <[REDACTED]>; Lynch-Wilson, Julie (Cllr) <[REDACTED]>; Mahoney, Kevin P (Cllr) <[REDACTED]>; Marshallsea, Naomi (Cllr) <[REDACTED]>; Morgan, Michael J (Cllr) <[REDACTED]>; Norman, Jayne M (Cllr) <[REDACTED]>; Penn, Elliot (Cllr) <[REDACTED]>; Protheroe, Joanna (Cllr) <[REDACTED]>; Sivagnanam, Ruba (Cllr) <[REDACTED]>; Thomas, Rhys (Cllr) <[REDACTED]>; Wiliam, Steffan T (Cllr) <[REDACTED]>; Wilkinson, Margaret R (Cllr) <[REDACTED]>; Wood, Nicholas J (Cllr) <[REDACTED]>

**Subject:** Fwd: Planning Application 2019/00871/OUT Model Farm

Sent from my iPad

Begin forwarded message:

**From:** valecomunita [REDACTED]  
**Subject:** Planning Application 2019/00871/OUT Model Farm

Dear Councillor

'We are writing to you regarding the inclusion of Model Farm on the agenda of the planning committee meeting on the 19th October 2022.

This application was heard at a previous meeting when it passed by a one vote majority but was later quashed as a result of a judicial review. The judicial review was won due to the planning department withholding a vital financial viability report from the public. This report was not easily

available to committee members and we are sure a great number didn't read or access it prior to the meeting. It was subject of a one line mention in the original and current planning report.

We feel it is vital that all members of the planning committee have access to this key viability report to make an informed decision. It is the planning departments job to provide members with sufficient information both for and against to enable an informed decision to be made. We have witnessed such key negative material considerations being side lined by the planning department.

We feel that this is because reports state that the proposed business park is not viable. VOGC planning commissioned an independent expert (Avison Young) to scrutinise the proposed business parks viability and their clear finding and advice was to state that it is not viable, as the demand in this specific location is not there and L&G's figures are unrealistic.

This can be evidenced by the Bro Tathan site that hasn't been successful in attracting businesses and even the Aston Martin plant had to be coaxed there with a substantial financial welcome package from Welsh Government..

They also say that if permission was given, there is a funding gap of up to £39m which could result being funded by the council and from other public funds. The VOGC will alone have to find ££3.2M which will significantly add to its forecasted losses

No mention of this key information is in the planning report. It needs to be highlighted in the Executive Summary and also have a dedicated section for councillors to read and digest in order to make an informed business decision.

Viability information is an actual material consideration because in essence Model Farm, a viable green working farm providing food and biodiversity for the Vale could be destroyed for a non viable business model.

It is our opinion that Legal and General want permission to demolish the buildings on the farm which will result in the farm being lost to the community. Once the infrastructure of the farm has gone so has the farm itself.

We suggest that the application should be taken off the agenda until such a time that the every member of the planning committee are provided with and confirm they have read and understood Viability information.

We would also point out that other professional reports giving material considerations for this development have been ignored by the planning department and left out of the final report to committee. We hope, as a new and possibly inexperienced committee they have had sufficient time to fully appreciate the implications of this application given the size of the document and the minimum preparation period given by planning.

The planning officer, the last time this came before committee made a comment regarding members may having to justify their actions if they refuse the application which, in our opinion, was an unreasonable influence and may have caused members to dismiss some material considerations. The planning department didn't give any of the valid reasons why the application could be rejected and provided a one sided 'sales pitch'.

We highlight the now outdated, table top, ecology report that hasn't fully identified endangered species on the farm. Information on this can be found at the South East Wales Biodiversity Records

Center.

The original transport assessment was carried out before the increase in housing throughout the western vale and without reference to proposed new developments in Rhoose and recent developments in St Athans. We suggest that this is now outdated and should be revisited.

Dwr Cymru's professional assessment of water and sewage output for such a development is again a vital element of decision making. The Planning Department will say that this is a reserved matter. It is our argument that the recommendations given by Dwr Cymru should be carried out before any planning decisions are made. The reasons for this should be obvious to anyone reading the report, if the tests fail then no full planning permission can be given and the Vale is left with unusable land.

This application is being presented to planning whilst an important bill is waiting to be passed by Welsh Government concerning Welsh farming. Again we feel this is being done to avoid any awkward questions being asked of the land owner, Legal and General, who purposely purchased a farm not to act as responsible custodians of the land, securing its ability to support the community with produce for future generations, but to reward their investors at a later date.

Yours Sincerely

Chair of Vale Community Unite.

The attached file is the Avison Young Report for your information.

Sent from my iPad

## MATTERS ARISING FOR COMMITTEE

**COMMITTEE DATE : 19 October, 2022**

<b>Application No.:</b> 2019/01031/RG3	<b>Case Officer:</b> Mr. S. D. Butler
<b>Location:</b> Land to the North of Maes Y Ffynnon, Bonvilston	
<b>Proposal:</b> Construction of 8 affordable residential units and associated works	

**From: St Nicholas and Bonvilston Community Council**

### **Summary of Comments:**

Detailed comments received in relation to the use of the village green to the north of Maes y Ffynnon for recreational purposes by generations of residents, since the 1950s and the importance of the site during the pandemic.

Further references are made to Planning Policy Wales 11, Building Better Places, Future Generations Act, Planning Policy Wales States, LDP Policies and Nature Emergency Equality Duty, ecological impacts, housing need, road widths and parking and Community Asset Transfer

### **Officer Response:**

The matters raised in respect of the loss of the open space are fully covered within the Committee Report and the other associated Matters Arising Notes.

The report fully sets out how the proposal complies with both national and local planning policies and guidance, whilst considering the planning balance that are material to the determination of the planning application.

In respect of road widths, the reason for widening the road to 5.5m is to assist refuse vehicles to access Maes y Ffynnon without damaging the highway kerbs, which is an ongoing issue with marks of over runs on the highway verge. With regard to parking the acceptability of the parking provision is set out in the Committee Report.

In respect of ecology impacts, the applicant is fully aware that a European Protected Species derogation (exemption) licence would be required for the proposed development, prior to development and the consideration of the three test is set out within the Committee report.

**Action required:**

**None**

**Objection to Planning Applications to the North of Maes Y Ffynnon on behalf of St  
Nicholas and Bonvilston Community Council**

**2019/01031/RG3**

The village green to the north of Maes y Ffynnon has been used for recreational purposes by generations of residents, since the 1950s. During the pandemic, public open spaces like this in Bonvilston have been celebrated due to their vital contribution to the **health and wellbeing of people** as we've changed how we live due to the impact of Covid-19. The beautiful village green, with its mature trees, and associated housing set behind green gardens, is rich with **biodiversity** – and the Vale of Glamorgan Council has called a **Nature Emergency**.

**Planning Policy Wales 11** states that **recreational spaces** are vital for our health, well-being and amenity – contributing to our way of life. The physical activities that green spaces facilitate are important for the well-being of children and adults (4.5.1).

**“Formal and informal open green spaces should be protected from development”** – 4.5.3  
Open green spaces contribute to biodiversity and nature

**“Planning authorities should protect playing fields and open spaces which have significant amenity or recreational value to local communities from development.”** – 4.5.5

**Building Better Places** – Welsh Government, July 2020 – states, “The Covid-19 crisis has emphasised the importance of considering health and wellbeing throughout the planning system to ensure communities across Wales are healthy, vibrant and inclusive.”

“The planning system has a key responsibility in securing green infrastructure, which plays a fundamental role in shaping places and our sense of well-being and is intrinsic to the quality of spaces in which we live, work and play.”

“The planning system **must** give preference to the provision of nature-based solutions, including green infrastructure assets and networks as a vital part of our local and national infrastructure and to safeguarding resilient ecological networks and securing a net benefit for biodiversity” .

“It has been streets and other public spaces, **particularly small local parks** and squares, **where we have been exercising and children playing**. It has also been streets where we have been able to interact with other people.”

**Future Generations Act.**

Planning Policy Wales States

**“A Resilient Wales** is supported by protecting existing communities and natural environments while promoting well connected infrastructure and facilities closer to where people live. Good housing, access to services, **green spaces** and community facilities help to create the right **conditions for better health and well-being.**”

**“A Healthier Wales** can be achieved through the reduction in emissions and air pollution by minimising the need to travel and maximising provision of sustainable forms of transport. It

can also be achieved through improving access to services, cultural opportunities, **green spaces** and recreation facilities to support people adopt healthy lifestyles. Together they contribute to **creating the right conditions for better health, well-being and greater physical activity.**"

#### **LDP Policy MD2 – Design of New Development**

In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

7 – “conserve and enhance the quality of, and access to, existing open spaces and community facilities.”

9 – Provide public open space in accordance with the council’s standards.

#### **LDP Policy MD3 – Provision for Open Space**

“New residential development with a net gain of 5 or more dwellings will be required to provide public open space...”

#### **LDP Policy MD5 – Development within Settlement Boundaries**

New development in defined settlements should:

5 – “not result in the unacceptable loss of public open space.”

Since May 2022, Bonvilston has fallen within the new St Nicholas and Llancarfan Ward. Whilst there might be a surplus of public open space in Wenvoe, there is a shortfall in Bonvilston and it’s expected that there will be a shortfall in the new ward of St Nicholas and Llancarfan. The current proposal significantly reduces the available green space within Maes Y Ffynnon, which is used by residents through out the village. The proposal and the inclusion of car parking spaces on the existing green will not leave enough space for the use of the green for recreational activities that are part of daily life in Bonvilston, such as playing football and dog walking. It would not be reasonable to expect the residents of Bonvilston to travel by car to enjoy the benefits of the surplus open space at Culverhouse Cross and Wenvoe. The planning design is clearly in breach of the LDP in terms of provision for open space , as noted above.

In 2018 work began on the new development at Bonvilston, Cotrell Gardens and to date only a limited number of the properties are occupied out of the planned 120 dwellings. There is no guarantee that this development will be completed. The amount of public open space that this development might provide was calculated, using the LDP guidance, to provide adequate space for only the new dwellings. The design and the inclusion of the proposed space at this site, poses a number of issues in terms of the safety of the location, for children to play when it is so close the busy A48. There is no logic in the plans to remove

and reduce existing 'safe' green space in Maes Y Ffynnon, when it can continue to serve the village's needs.

The only public open spaces provided at Bonvilston are the green areas around Maes y Ffynnon.

#### **Private Amenity Space**

There is a shortage of public open space at Bonvilston and the proposal falls short in providing private amenity space to the councils standards within the design and will as a result put more demand on public open space.

#### **LDP Policy MD2 – Design of New Development**

In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

9 – Provide private amenity space in accordance with the council's standards.

#### **Nature Emergency**

The Vale of Glamorgan has declared a Nature Emergency.

**Natural Resources Wales (NRW) have advised that development 'is likely to harm or disturb Great Crested Newts'.**

A European Protected Species derogation (exemption) licence would therefore be required for the proposed development, prior to development. The Greater Crested Newt has already been re-located within Bonvilston to accommodate the housing development at Cottrell Gardens. The site of the relocation is 20 meters from the planned dwellings and is known locally as 'The Newt Pond'. The new ecology report recommends relocation, however as this has only very recently occurred, it would be disruptive and damaging to their natural habitat and there is no suitable alternative for any further re-location, due to the other existing developments.

The Vale of Glamorgan Councils Ecology Officer added that there is:

- an 'unacceptable loss of mature trees with inadequate replacement within the development'.

There also remains a number of questions in relation to the accuracy of the previous and most recent Bat survey.

It should also be noted that the development would destroy the existing habitat of the Palmate and Smooth Newt, Tawny Owls, along with a wealth of other wildlife that exists on the green.

#### **Road width**

There is a proposal to widen the existing road. There is no need for the road to be widened to 5.5m as on-street parking restricts vehicle movement to a single lane. The street should



be designed for traffic speeds <20mph, not the existing speed limit of 40mph. The existing width is adequate for lorries to reach the existing dwellings – as shown in figure 7.1 of Manual for Streets.

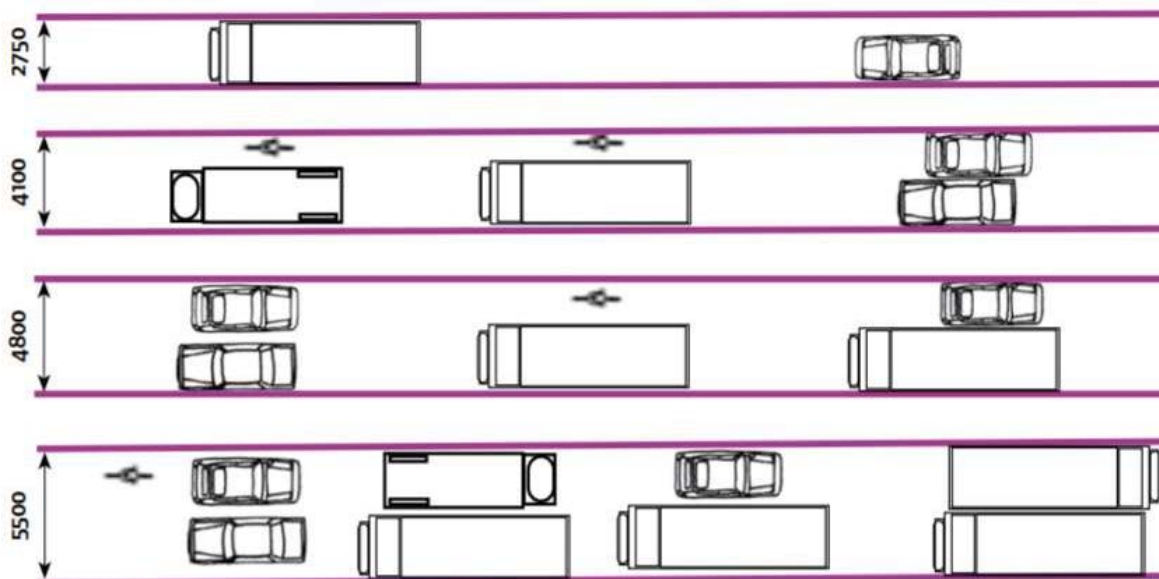


Figure 7.1 Illustrates what various carriageway widths can accommodate. They are not necessarily recommendations.

### Parking

Planning Policy Wales 11 states:

“Planning authorities must require good standards of car parking design, which **do not allow vehicles to dominate the street** or inconvenience people walking and cycling. This includes **preventing pavement parking through the design of the street.**” – 4.1.51

“A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of **car parking is integrated in a way which does not dominate the development.** ... The needs of disabled people must be recognised and adequate parking provided for them.” – 4.1.50

The frontages of the new dwellings would be obscured by parked vehicles. Footway parking seems inevitable.

“Visitor parking must be designed as an integral part of any development where it is required and must take into account the needs of the disabled visually dominant within a street.”

There is no provision for visitor parking.

The link houses of Maes y Ffynnon, with parking only down one side of the street, already have a parking deficit, hence the need to park where the garages once stood, as well as in the existing turning head and along the road adjacent to Village Farm. Eight existing parking spaces will be lost and the new development will increase the shortfall. It should also be noted that parking issues will increase as at present due to elderly residents there are a

number of dwellings without vehicles. As younger residents move into Bonvilston that challenges for parking in Maes Y Ffynnon will increase and it is already impacting on residents in other parts of Bonvilston such as Village Farm.

### **LDP Policy MD2**

Proposals should:

9 – Provide car parking in accordance with the council’s standards.

### **LDP Policy MD5 – Development within Settlement Boundaries**

new development in defined settlements should:

6 – have no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion or parking.

### **Design**

#### **LDP Policy MD2 – Design of New Development**

In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

2 – Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;

The layout of the proposed dwellings, with allocated off street parking, conflicts with the linked-houses with front gardens that run along Maes y Ffynnon

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The layout of the proposed dwellings, with allocated off street parking, conflicts with the linked-houses with front gardens that run along Maes y Ffynnon

### **Equality Duty**

How would a guide dog navigate to a dwelling across the shared surface?

How would a person with a visual impairment navigate to a dwelling across the shared surface?

Can people riding mobility scooters or in a wheelchair directly access footways?

### **Need**

The redesign of the proposed development is focusing on social housing, which is aimed at the elderly with reduced mobility. This is a significant shift from the original planning

proposal, which brings into question the underlying reasons for the planned development, as again it is not reflective of the needs of the existing community within the village. The need for safe green space in Bonvilston, that supports the recreational and wellbeing activities of the villagers, is a real and lived requirement. There is little or no evidence to support any demand for this type of social housing in Bonvilston and therefore compounds the case to preserve the green space for the ongoing needs of the residents. The significance and importance of the space to the existing villagers, far out ways any need for providing social housing to individuals, that live outside of the locality.

#### **Community Asset Transfer**

The Community Council has previously approached the Vale of Glamorgan Council, proposing a Community Asset Transfer of the green to the Community Council. This approach was declined; however, **the Community Council remains committed to owning the green**. One of the reasons for the forming of Community Councils was to manage public open spaces.

The Community Council has the desire and finances to own and manage the Village Green. The **St Nicholas with Bonvilston Community Council** continues to expect the Vale of Glamorgan Council to offer the land for sale as surplus to its requirements, as it has other sites. The Community Council would make the purchase and oversee all maintenance costs.

**For and on Behalf of St Nicholas and Bonvilston Community Council**

## Reasons for refusal

The village green to the north of Maes y Ffynnon has been used for recreation by generations of residents. Over the past 18 months, public open spaces like this in Bonvilston have been celebrated due to their vital contribution to the **health and wellbeing of people** as we've changed how we live due to the pandemic. The beautiful village green, with its mature trees, and associated housing set behind green gardens, is rich with **biodiversity** – and the Vale of Glamorgan Council has called a **Nature Emergency**.

**Planning Policy Wales 11** states that **recreational spaces** are vital for our health, well-being and amenity – contributing to our way of life. The physical activities that green spaces facilitate are important for the well-being of children and adults (4.5.1).

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### **LDP Policy MD3 – Provision for Open Space**

“New residential development with a net gain of 5 or more dwellings will be required to provide public open space...”

### **LDP Policy MD5 – Development within Settlement Boundaries**

New development in defined settlements should:

5 – not result in the unacceptable loss of public open space

From May 2022, Bonvilston will be within the new St Nicholas and Llancarfan Ward. Whilst there might be a surplus of public open space in Wenvoe, there is a shortfall in Bonvilston and it’s expected that there will be a shortfall in the new ward of St Nicholas and Llancarfan.

Is it reasonable for the residents of Bonvilston to travel by car to enjoy the benefits of the surplus open space Culverhouse Cross and Wenvoe?

Work began on the new development at Bonvilston in 2018. As of August 25, 2021, only five dwellings are occupied, 12 houses of the 120-dwelling development have been sold. Some partly constructed dwellings have been “mothballed”. There is no guarantee that this development will be completed. The amount of public open space that this development might provide was calculated, using the LDP guidance, to provide adequate space only the new dwellings.

**Planning Application 2020/00496/FUL** – Land to South of A48, Bonvilston – approved 13 Jan, 2021

The controversial, delegated decision to grant approval of this planning application in 2021 changes the use of the small recreation field behind the Reading Rooms to private garden. It also removes a significant part of the Reading Rooms car park – threatening the viability of this community facility.

The only public open spaces provided at Bonvilston are the green areas around Maes y Ffynon.

### **Private Amenity Space**

There is a shortage of public open space at Bonvilston. If built, the dwelling on plot 2 would have a deficit of 30 square metres of private amenity space and plots 3, 4, 5 and 6 would have a shared deficit of 45 square metres. Is shared outdoor amenity space suitable for a Covid19 world?

The proposal falls short in providing private amenity space to the councils standards, and will as a result put more demand on public open space...

### **LDP Policy MD2 – Design of New Development**

In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

9 – Provide private amenity space in accordance with the council’s standards.

The Vale of Glamorgan has declared a Nature Emergency.

**Natural Resources Wales (NRW) have advised that development ‘is likely to harm or disturb Great Crested Newts’;**

A European Protected Species derogation (exemption) licence would therefore be required for the proposed development, prior to development.

The Vale of Glamorgan Councils Ecology Officer added:

- an ‘unacceptable loss of mature trees with inadequate replacement within the development’;
- the 2015 bat survey of the high potential trees is now out of date

Has the planning officer undertaken and documented the results of the (Habitats Regulations) 3 tests?

### Road width

There is no need for the road to be widened to 5.5m as on-street parking restricts vehicle movement to a single lane. The street should be designed for traffic speeds <20mph, not the existing speed limit of 40mph. The existing width is adequate for lorries to reach the existing dwellings – as shown in figure 7.1 of Manual for Streets.

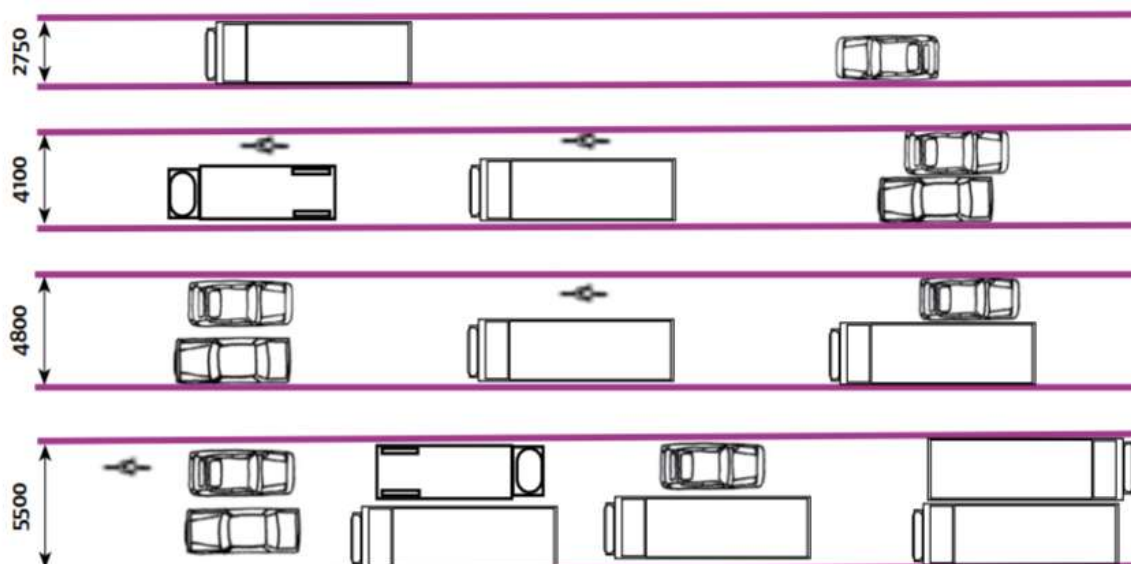


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“A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of **car parking is integrated in a way which does not dominate the development.** ... The needs of disabled people must be recognised and adequate parking provided for them.” – 4.1.50

The frontages of the new dwellings would be obscured by parked vehicles. Footway parking seems inevitable.



### Vale of Glamorgan Council Parking Standards SPG – (March 2019)

- 1 space per bedroom for residents
- 1 space per 5 units for visitors

“Visitor parking must be designed as an integral part of any development where it is required and must take into account the needs of the disabled visually dominant within a street.”

The proposal provides 14 parking spaces for residents of the development and zero parking spaces for visitors – an **under provision of two parking spaces.**

The link houses of Mae y Ffynon, with parking only down one side of the street, already have a parking deficit, hence she need to park where the garages once stood, and in the existing turning head. Eight existing parking spaced will be lost, and the new development will increase the shortfall.



Proposals should:

9 – Provide car parking in accordance with the council's standards;

### **LDP Policy MD5 – Development within Settlement Boundaries**

new development in defined settlements should:

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## **Design**

### **LDP Policy MD2 – Design of New Development**

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The layout of the proposed dwellings, with allocated off street parking, conflicts with the linked-houses with front gardens that run along Maes y Ffynon

## **Equality Duty**

How would a guide dog navigate to a dwelling across the shared surface?

How would a person with a vision impairment navigate to a dwelling across the shared surface?

Can people riding mobility scooters or in a wheelchair directly access footways?

The Community Council has approached the Vale of Glamorgan Council, proposing a Community Asset Transfer of the green to the Community Council. This approach was declined; however, **the Community Council remains committed to owning the green**. One of the reasons for the forming of Community Councils was to manage public open spaces.

The following statement in the Final Report is simply not true:

The 'do nothing' approach is not especially desirable. Evidence shows that the land is not needed as public open space, and if it were left undeveloped it might become unsightly over time, particularly the area where the garages used to be. Furthermore, vacant land would not have the same positive social and economic effects as the development proposal.

For the above reasons, there appears to be no satisfactory alternative to the development proposal.

The Community Council has the desire and finances to own and manage the Village Green. In 2021, **St Nicholas with Bonvilston Community Council has a precept of £32,950**.

On refusal of the planning application, the Community Council would expect the Vale of Glamorgan Council to offer the land for sale as surplus to its requirements, as it has other sites, and the Community Council would make the purchase.

## MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 19 October, 2022

<b>Application No.:</b> 2019/01031/RG3	<b>Case Officer:</b> Mr. S. D. Butler
<b>Location:</b> Land to the North of Maes Y Ffynnon, Bonvilston	
<b>Proposal:</b> Construction of 8 affordable residential units and associated works	

**From: Cllr Ian Perry**

### Summary of Comments:

Has raised detailed objections in relation to the background to the application, consultation, housing need, the fact that the site is not included in the LDP, and would be a “windfall site”, loss of public open space, deficiency in amenity space, highway widths and the need for the rumble strip and hours of working.

### Officer Response:

The Committee report sets out the background to the application and when it was previously presented to Planning Committee and the reasons why the application was deferred.

In respect of the consultation, the political boundaries have bow changed and the application falls within the and Llancarfan and St Nicholas Ward. St Nicholas and Bonvilston Community Council were reconsulted and have responded to the application. The site or proposal does not affect any other Community Council areas.

The comments received from Housing Strategy have been detailed within the report regarding the need within the new Llancarfan and St Nicholas Ward.

The site falls within the settlement boundary of Bonvilston and can be considered as a Windfall site.

In respect of the impact of the public opens space, the POS land requirements and provision at Town and Community Council level is not contained within any publicly published document. Therefore, it was correct to state that there is no data available.

The data provided in the matters raised identifies that there is a current under provision of 0.93ha in the Bonvilston Community Ward. It also points out that a further 0.55ha has been approved at Cottrell Gardens (2021/01489/FUL) and implemented, but not completed.

If this application were to be approved, there would be a reduction from 0.7ha down to 0.56ha of POS in the Bonvilston Community Ward, resulting in an under provision in the Community Ward of 1.07ha. However, on the basis that the POS at Cottrell Gardens is fully

built out, the under provision would reduce to 0.52ha. It is, therefore, evident that there is a deficiency of provision when considered solely at the Community Ward level.

The conclusions reached within the Committee report, and that informed the LDP (in the Public Open Space Background Paper 2013) measures POS provision at a Ward level. However, the data which is provided within the representation, sets out that there is a overprovision of POS within the new Llancarfan and St Nicholas Ward (13.15ha), largely due to the provision that exists in the St Georges-Super-Ely and St Brides-Super-Ely Community Wards. Accordingly, the loss of approx. 0.14ha of POS would not materially impact upon the provision of POS across the Llancarfan and St Nicholas Ward and the Officer's Report is reasoned in concluding that the proposals would not bring about an unacceptable loss of POS. These conclusions also do not take into account the fact that part of Dyffryn Gardens has not been included within the figures of POS provision within the Llancarfan and St Nicholas Ward.

The report accepts that some of the plots would have a shortfall in amenity space, however overall the shortfall of provision is considered in this instance acceptable.

In respect of road widths, the reason for widening the road to 5.5m is to assist refuse vehicles to access Maes y Ffynnon without damaging the highway kerbs. Refuse and larger vehicles are already over running the verge and damaging the highway kerbs and to mitigate these issues track runs were requested. Initially the radii kerbs were designed as 6m wide road to facilitate turning for larger vehicles, however due to the potential impacts on tree roots, the highway engineer accepted a reduced width of 5.5m. The overrunning marks clearly indicate the need to widen the road.

With regards to rumble strips, they are not necessarily noisy considering the anticipated slow speed of vehicles in Maes y Ffynnon (subject to detailed design). The rumble strips are standard highway structures for shared surfaces, advising drivers that they are entering a different environment and we have them throughout the Vale for shared surfaces.

As stated in Manual for Streets, Shared surface schemes work best in relatively calm traffic environments. The key aims are to:

- encourage low vehicle speeds;
- create an environment in which pedestrians can walk, or stop and chat, without feeling intimidated by motor traffic;
- make it easier for people to move around; and
- promote social interaction

Therefore visual impairment would navigate better in a shared surface environment.

During detailed design and as part of S278/38 highway agreements for adoption, and as part of the discharge of condition details, officers would assess these technical construction details to make sure all the pedestrian paths have dropped kerbs to facilitate easy access to footpath for all users.

With regard to residents parking their vehicles on the hardstanding of the former garages, rather than on the carriageway, the Housing Department have advised that the occupiers have no legal right to park their cars within these areas.

Finally in respect of the concerns raised with regard to hours of working, including all day working on Saturday, Shared Regulatory Services have recommended suggested working hours. Having reviewed the hours of operation in the recommended Condition 5, they do

differ from those suggested by Shared Regulatory Services, whilst permitting works on Saturday, only between the hours of 0800 - 1300 hours. It is considered appropriate to amend the hours of operation to those suggested.

**Action required:**

Amend Condition 5 to read :

No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday: 0800 – 1800  
Saturday: 0800 – 1300

Unless such work is:

- (a) associated with an emergency (relating to health and safety or environmental issues);
- (b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

## Proposal for 8 dwellings at Maes y Ffynnon – 2019/01031/RG3.

I have read the Final Report for this planning application. The Final Report omits important information that is publicly available, and the comments below fill some of those gaps. I also raise a few questions ahead of the meeting.

### Background

Key details are missing in the background.

The planning application was considered at a special meeting of the Planning Committee, held on July 15, 2020 where only **time sensitive business** was to be considered. Given the pending Public Inquiry, there was no urgency for determination, resulting in the Planning Authority being held in **disrepute** by some residents. Elected Members wisely deferred any decision.

The application was considered again at the Planning Committee meeting of September 1, 2021, with the Planning Committee voting against Officer recommendation for approval. Members were asked to nominate a lead member to appear on behalf of the committee at an appeal, if a planning reason for refusal could be found. Cllr Cave suggested the reason for refusal should be “unneighbourly development”, due to loss of public open space. Planning Officers stated that this was not a valid reason for refusal.

Lawyers acting for the Community Council have advised that “unneighbourly development” is in fact a valid reason for refusal.

The Housing Department chose to appeal refusal or non-determination by the Planning Committee. At their meeting held on September 27, 2021, the appeal was approved by the Cabinet. Lawyers acting for the Community Council stepped in and pointed out that it is not lawful for the Vale of Glamorgan Council to take the Vale of Glamorgan Council to appeal.

Silence followed until amended plans for the development appeared on July 5, 2022.

I will add the letter from Lawyers instructed by the Community Council to the end of this document.

## **Consultation**

In 2019, Wenvoe Community Council was consulted. In 2022, neither Llancarfan Community Council nor St Georges and St Brides Community Council which sit within the St Nicholas and Llancarfan Ward were consulted. Why is there this inconsistency?

## **Housing Strategy**

The site is in the new ward of Llancarfan and St Nicholas for which data is not yet available.

The people on the housing waiting lists of Rhoose, Wenvoe and Peterston Super Ely may amend their first choice of location to St Nicholas and Llancarfan. It is very likely that the majority will maintain their existing preference.

## **Local Development Plan**

The site is not included in the LDP, and would be a “windfall site”.

## Loss of public open space (POS)

The Open Space Background Paper 2013 identifies part of the application site as ‘amenity greenspace’ (ref. ‘Green/505 – Maes-y-Ffynon – 0.29 ha – WD1001135’)

The village of Wenvoe benefits from having extensive sports grounds, a surplus of POS that does not extend into the St Nicholas and Llancafarn Ward.

Figures from the Final Report:

Existing area of POS: 0.28 ha  
 POS with ten units: 1.1 ha  
 POS after construction of 8 units: 1.4 ha

The Final report states:

*Whilst no data is available in respect of the new Llancafarn and St Nicholas Ward, based on figures given for the Wenvoe Ward, the amended development proposals are considered acceptable as it would not bring about an unacceptable loss of public open space (see criterion five of policy MD5).*

This is misleading because data for each Community Ward that makes up St Nicholas and Llancafarn Ward is publicly available.

The area of **Llancafarn Community Council** has a requirement of 1.72 ha. 0.9 ha is provided, **an under provision of 0.82 ha.**

The area of **St Georges and St Brides Community Council** has a requirement of 0.97 ha 16.39 ha is provided, of which 11.42 is Commoners grazing land & 4.74 ha is churchyards).

100% of the POS available in the Community Wards of St Brides and of Llantrithyd consists of Churchyards.

The **St Nicholas Community Ward** has a requirement of 1.62 ha.

16.07 is officially provided, however, 14.64 of this is NT Dyffryn Gardens, and 1.01 is the school field that is no longer accessible for the public and subject to a planning permission that will substantially reduce its size. Discounting these restricted areas of POS, St Nicholas has a provision of 1.43 ha, **an under provision of 0.19 ha.**

The St Nicholas Churchyard is providing 0.29 ha of POS.

The **Bonvilston Community Ward** has a requirement of 1.63 ha.

Maes y Ffynnon currently provides 0.37 ha of amenity greenspace

The Churchyard provides 0.11 ha of POS

Phase One of Cottrell Gardens has delivered 0.22 ha of POS in 5 years

Phases Two and Three may deliver another 0.55 ha.

**There is a clear under provision of POS at Bonvilston.**

**The POS situation in the St Nicholas and Llancafarn Ward is very different to the village of Wenvoe.**



## Amenity space

Plots 1-4 would have a shared deficit of 45 square metres of amenity space. The physical constraint of the size of the site restricts the amenity space that can be provided.

The Final Report states:

On balance, it is considered the need for affordable housing and the proposal exceeding the minimum design requirements for affordable housing set out by Welsh Government is sufficient to mitigate the under provision of amenity space when assessed against the Council's Residential and Householder Development SPG requirements, particularly for the reason set out above and as open space is available next to the houses and, in time, at the ongoing housing allocation to the east, which would be in walking distance of Maes-y-Ffynon.

What happens if the Cottrell Gardens development isn't completed, and doesn't deliver the promised POS? Wyndhan Park (Glyn Cory Garden Village) at Peterston Super Ely has not been completed, and promised sports facilities were never delivered.

## Highways

What is the benefit to existing residents of widening the road to 5.5m and reducing the green area?

Why is the noisy rumble strip necessary?

The Final Report states:

The garages that once served the existing houses in the street were demolished some time ago and as a result, residents now park their cars on the carriageway

Evidence suggests that residents park their vehicles on the hardstanding where the garages once stood rather than on the carriageway, due to the carriageway providing limited parking. Few of the properties on Maes y Ffynnon have off-street parking, resulting in high demand for what on street parking there is.

I hope that the matters raise here are addressed prior to, and at the meeting, on Wednesday.

*Cllr Ian Perry*

Mr Marcus Goldsworthy  
Head of Regeneration and Planning  
The Vale of Glamorgan Council  
Dock Office  
Barry Docks  
Barry  
CF63 4RT

**By email:** [REDACTED]

**Cc:** [REDACTED]

**Cc:** [REDACTED] [k](#)

Your ref: 2019/01031/RG3

Our ref: PER00001

Email: [REDACTED]

13 October 2021

Dear Mr Goldsworthy,

**Non-Determination of Application 2019/01031/RG3 - Construction of 10 affordable residential units and associated works on Land to the North of Maes Y Ffynnon, Bonvilston**

We are instructed by St Nicholas with Bonvilston Community Council and write on their behalf in relation to the above application.

We enclose a copy of our letter of today to Planning and Environment Decisions Wales ("PEDW").

As is clear from our letter to PEDW, it is unlawful for the Vale of Glamorgan Council ("the Council") to appeal against the non-determination or refusal of the Council's planning committee of an application for the development of land owned by the Council.

**Inaccurate report and advice**

We further note that the report to the Council's Cabinet of 27 September 2021 contained a serious error. Para.1.2 states:

"a motion to approve the application in accordance with officer recommendation failed by seven members to six. However, those Members who voted against the approval (indicating they wished to refuse the application) could not when questioned at that meeting provide a substantiated valid planning reason for refusal."

This is not accurate. It is clear from the record of the meeting that Councillor Cave gave a valid substantiated reason for refusing the decision but that the members were improperly advised and a decision on the reason for refusal was subsequently deferred.

Councillor Cave stated that her reason for refusal was that the application was unneighbourly because it took away land currently used as recreation space.

In response you made it clear that a reason would have to be given as to why it was unneighbourly and implied that either no reason had been given by Councillor Cave, or no valid reason.

You also stated that the land isn't allocated for amenity purposes or as open space and therefore from a planning perspective it would be difficult to refuse on that basis. You further stated that there could be costs implications and advised "extreme caution" if the Committee rejected the application on this basis.

The thrust of your statement was that Councillor Cave's reason for refusal was not a valid reason. It also imposed undue pressure on Committee members to reconsider the reason for refusal.

There is nothing to prevent a planning committee rejecting an application on the basis that it is in the Committee's opinion unneighbourly because of the loss of recreational or open space.

The land in question is marked in the Local Development Plan ("LDP") Interactive Proposals Map as "parks and open space". It is within the existing settlement boundary and is not allocated for housing. Furthermore, representations from our client and others have made clear that the land is used for recreational and amenity purposes by the local community.

Our client has also outlined how the land in question is highly valued, so much so that they have offered to purchase the land to secure and enhance its value as a shared green space for the local community.

### **Other reasons for refusal**

There are a number of other reasons upon which the planning committee could reject the application, many of which have been outlined by our client, including:

1. The loss of open space and recreational land – The land in question is open space and is used for recreational purposes. The development will clearly result in the loss of a significant part of this open space and will have a disproportionate impact on children. This is contrary to Planning Policy Wales (paras.4.5.1, 4.5.3, 4.5.5) and the Local Development Plan (paras. MD2.7, MD2.9, MD5.5).

Given that Bonvilston will fall within the new St Nicholas and Llancarfan Ward as of May 2022, it is inappropriate to consider amenity space for Wenvoe only. Indeed, there is a shortfall of amenity space in Bonvilston, even when the new development to the east of Bonvilston is taken into account, as well as in the existing wards of Llancarfan and St Nicholas (excluding the school playing fields, which are not open to the public, and Dyffryn Gardens, which requires payment to access).

The loss of public amenity space is further exacerbated by the deficit in private amenity space for half of the new properties. Specifically, plots 2, 3, 4, 5 and 6 fall short of the Council's Residential and Householder Development SPG (see Officer's Report ("OR") of 1 September, p.212-213). This is contrary to the Council's Affordable Housing SPG, which states that attention should be given to supplementary planning guidance, including amenity standards, to ensure that the development standards that apply to other residential development proposals are maintained within affordable housing schemes (para. 10.1.4).

2. The lack of visitor parking and unacceptable loss of parking for existing properties – The development contains parking for residents of the new development only and makes no provision for visitor parking and the loss of parking for existing residents. Parking for the 12 properties (8 houses and 4 flats) on Maes Y Ffynon is limited to unmarked kerbside parking sufficient for approximately 7 vehicles. The hardstanding and turning circle currently makes up for the deficit in parking for existing residents.

The development will result in the complete loss of this overflow parking with no replacement parking for existing owners. Consequently, the development will have an unacceptable impact on the amenity and character of the locality by way of parking (LDP, MD5.6).

This is also contrary to the Council's Parking Standards SPG, which states that "applicants when undertaking a transport assessment should assess the extent of existing on-street parking pressures and the impact of new development" (para.4.2.9).

3. Consideration of disabilities – The development does not serve the needs of those with disabilities and impaired mobility, including adequately designed parking spaces and functional pavement access. This is particularly important since two of the ten dwellings are to be reserved for residents who are at least 55 years old.

Planning policy requires consideration of the needs of older people and people with disabilities (PPW, 4.2.5). This includes consideration concerning parking (PPW 4.1.50). The Council's Parking Standards SPG provides: "The needs of mobility impaired people must be taken into account in the planning and design of new development including the number of available parking spaces, their design, quality and location on site. Appendices 1 and 2 of the parking standards provide details in respect of the specific standards that will be applied in relation to disabled parking spaces" (para. 8.1 and see para.5.1). Consequently, Appendix 1 requirements apply to disabled parking spaces, not only to parking bays, contrary to the OR for 1 September, p.218.

None of the parking spaces conform to the requirements for disabled parking. The fact that this is an affordable housing scheme is not a reason for departing from the Parking Standards SPG (see, Affordable Housing SPG para. 10.1.4).

### **Action required**

In light of the above, the Council must:

- i. withdraw any purported appeal to the PEDW on the basis that such a referral was unlawful,
- ii. correct all inaccurate reporting of the planning committee meetings of 1 September 2021,
- iii. ensure that accurate advice is provided to the planning committee at its next meeting and in any subsequent meetings relating to application 2019/01031/RG3, including:
  - a. making clear that no appeal lies to PEDW against a decision of the planning committee,
  - b. the Council will not seek costs if the planning committee rejects the application,
  - c. refusal for the reasons put forward by Councillor Cave is a valid course of action open to the planning committee,
  - d. the application can also be refused for a variety of other reasons, including as set out at 1-3 above, and
- iv. accept that the planning committee has already voted to refuse the application in principle.

Please confirm that the above steps will be taken as a matter of urgency and in advance of the next meeting of the planning committee.

Please also confirm that a copy of this letter will be brought to the attention of planning committee members.

We look forward to hearing from you.

Yours sincerely,



**Harrison Grant**

Encl. Letter from Harrison Grant to Planning and Environment Decisions Wales of 12 October 2021

**MATTERS ARISING FOR COMMITTEE****COMMITTEE DATE : 19 October, 2022**

<b>Application No.:</b> 2019/01031/RG3	<b>Case Officer:</b> Mr. S. D. Butler
<b>Location:</b> Land to the North of Maes Y Ffynnon, Bonvilston	
<b>Proposal:</b> Construction of 8 affordable residential units and associated works	

**From: Charlotte Halsey****Summary of Comments:**

Concern has been raised in respect of the loss of the accessible local green space that children are able to use, which despite not being a formal play park, provides the opportunity for open play.

**Officer Response:**

The consideration in respect of the loss of open space has been assessed within the Committee Report.

**Action required:**

None

[REDACTED]

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**From:** Charlotte Halsey [REDACTED]  
**Sent:** 18 October 2022 11:21  
**To:** Planning  
**Subject:** Maes Y Ffynnon Village Green

**Categories:** Yellow Category

Hi,

I understand that the Planning Committee is meeting tomorrow to discuss the planning application on the Village Green at Maes Y Ffynnon, Bonvilston. I am writing to express my deep concerns about this proposal.

I am a mother of two young children who, like all children, love playing outdoors and exploring nature. The Village Green at Maes Y Ffynnon is the only accessible local green space that my children are able to use. Despite there not being a formal play park at this area, it provides the perfect opportunity for open play and you can see the efforts that many children have gone to making dens etc. Outdoor play areas are so important for children's mental health and well-being, thus I would be very concerned to see this green space taken away from the residents, and more importantly children, of Village Farm and Maes Y Ffynnon.

I should note that I sit on the St. Nicholas & Bonvilston Community Council, however I can assure you that the concerns I have expressed come purely from being a mother of young children and the impact this proposal could have on their childhood. I sincerely hope that you will take my concerns in to consideration when making your decision.

Kind Regards,  
Charlotte Halsey

**MATTERS ARISING FOR COMMITTEE****COMMITTEE DATE: 19<sup>th</sup> October 2022**

<b>Application No.:</b> 2021/00012/FUL	<b>Case Officer:</b> Mrs. Helen Winsall
<b>Location:</b> 20, Summerland Close, Llandough, Penarth	
<b>Proposal:</b> Replacement of existing fence	

**From:** Occupant of no. 1 Summerland Crescent

**Summary of Comments:** Queries the need for this fence for the safety of a child as advised by the applicant.

**Officer Response:** None

**Action required:** None